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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 38331-0005

In re patent application of
Kazuaki HIRASAWA et al.
Application No. 10/511,345
Filed: October 15, 2004
For: METHOD FOR PRODUCING CANTHAXANTHIN

Confirmation No. 3763
Group Art Unit: Unassigned
Examiner: Unassigned

RESPONSE TO NOTIFICATION TO COMPLY

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respond herewith to the Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed August 25, 2005, in the above-referenced application. On October 15, 2004, Applicants filed the above-referenced application. At the time of filing, Applicants submitted a Declaration and Power of Attorney and paid the required filing, search and examination fees believed due at the time of filing. As verification, Applicants attach herewith a copy of the Form PTO-1390, Declaration and Power of Attorney, and date stamped postcard filed October 15, 2004. Applicants believe no additional fees are due at this time, however, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 08-1641.

Applicants also submit the Sequence Listing in paper and disk form and the required Statement supporting the sequence submission.

Respectfully submitted,

Date: 10/6/05

Heller Ehrman LLP
1717 Rhode Island Avenue
Washington, D.C. 20036
Telephone: (202) 912-2000
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Marvin A. Motsenbocker

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Attorney for Applicant
Reg. No.: 36,614

Customer No. 26633

FORM PTO-1390 (REV. 12-2004)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S KEY NUMBER 38331-0005
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/511,345
INTERNATIONAL APPLICATION NO. PCT/JP03/04398	INTERNATIONAL FILING DATE 07 April 2003 (07.04.03)	PRIORITY DATE CLAIMED 15 April 2002 (15.04.02)		
TITLE OF INVENTION METHOD FOR PRODUCING CANTHAXANTHIN				
APPLICANT(S) FOR DO/EO/US Kazuaki HIRASAWA, Akira TSUBOKURA, and Haruyoshi MIZUTA				
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below. <input type="checkbox"/> The US has been elected (Article 31). <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> had been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11 to 20. below concern document(s) or information included:</p> <ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included <input type="checkbox"/> A preliminary amendment. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A power of attorney and/or address letter. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 37 CFR 1.821-1825 <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4) <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). <input checked="" type="checkbox"/> Other items or information: Response to Notice to Comply; copy of Notice (dated 8/25/05) 				

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/511,345		PCT/JP03/04398		38331-0005	

21. The following fees are submitted: <input type="checkbox"/> a) Basic national fee.....\$300.00 <input type="checkbox"/> b) Examination fee\$200.00 <input type="checkbox"/> c) Search fee.....\$500.00 <p style="text-align: center;">TOTAL OF ABOVE CALCULATIONS =</p>				CALCULATIONS PTO USE ONLY <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
TOTAL SHEETS	EXTRA SHEETS	NUMBER EXTRA (of each additional 50 or fraction thereof rounded up to a whole number)	RATE		
-100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50.00	\$	
Independent claims	- 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$360.00	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
TOTAL FEES ENCLOSED =				\$ 0 fees due	
				Amount to be refunded:	\$
				Amount to be charged:	\$

a. ☐ A check in the amount of _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment
 To Deposit Account No. 08-1641 A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

HELLER EHRMAN LLP
 1717 Rhode Island Avenue, N.W.
 Washington, DC 20036
 Customer No. : 26633

SIGNATURE

 NAME
Marvin A. Motsenbocker
 REGISTRATION NUMBER
36,614

Date
10/6/05

19 OCT 2004 06 OCT 2005

Title: ~~PROCESS~~ FOR PRODUCING CANTHAXANTHIN
Method

Inventors: Kazuaki HIRASAWA et al.

Docket. No.: 38331-0005

Appl. No.: To be assigned

Int'l. Filing Date: April 7, 2003

U.S. Natl. Phase Application of PCT/JP03/04398 Under 35 USC 371

1. Transmittal Letter (Form PTO-1390)
2. Cover Page of Published Application (WO 03/087358)
3. Translated International Application (14 pages)
4. Sequence Listing
5. Application Data Sheet
6. Declaration and Power of Attorney
7. Preliminary Amendment
8. Assignment Cover Sheet (w/executed Assignment)
9. Information Disclosure Statement
10. Form SB/08A (w/9 references)
11. Statement to Support Sequence Listings
12. Sequence Listings (paper and disk form)
13. Form PCT/ISA/210
14. Form PCT/IB/304
15. Form PCT/IB/308
16. Check # 089093 in the amount of \$990.00

DT03 Rec'd PCT/PTO 15 OCT 2004

10/511345

File in PCT Branch
Date Due: October 15, 2004
Date Filed: October 15, 2004

Inspected By: _____

Return to: MAM/pdh

DOCKETED



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

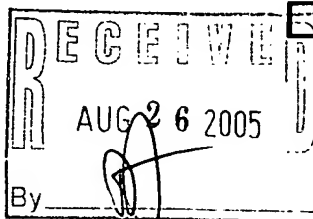
19 Rec'd PCT/PTO

46 OCT 2005

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,345	Kazuaki Hirasawa	38331-0005

INTERNATIONAL APPLICATION NO.
PCT/JP03/04398

26633
 HELLER EHRMAN WHITE & MCAULIFFE LLP
 1717 RHODE ISLAND AVE, NW
 WASHINGTON, DC 20036-3001



I.A. FILING DATE	PRIORITY DATE
04/07/2003	04/15/2002

CONFIRMATION NO. 3763
 371 FORMALITIES LETTER
 OC000000016832759
 OC000000016832759

Date Mailed: 08/25/2005

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.

- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,345	PCT/JP03/04398	38331-0005